

DENNIS J. HERRERA, State Bar #139669
City Attorney
JOANNE HOEPER, State Bar #114961
Chief Trial Deputy
ROBERT BONTA
Deputy City Attorney
Fox Plaza
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3892
Facsimile: (415) 554-3837
E-Mail: robert.bonta@sfgov.org

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG AND JESSE SERNA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCO MAESTRINI,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, a municipal corporation;
HEATHER FONG, in her capacity as
Chief of Police for the CITY AND
COUNTY OF SAN FRANCISCO; JESSE
SERNA, individually, and in his capacity
as a police officer for the CITY AND
COUNTY OF SAN FRANCISCO; and,
San Francisco police officers DOES 1-25,
inclusive,

Defendants.

Case No. C 07-2941 PJH

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE MEDIATION
DEADLINE, NON-EXPERT
DISCOVERY CUTOFF, AND
DISPOSITIVE MOTIONS HEARING
DEADLINE AS MODIFIED BY THE COURT**

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
2 modification of the Court's August 28, 2008 Modified Order to Continue Trial Date and Related
3 Pretrial Deadlines as follows:

4 Deadline for Court-Ordered Mediation: Wednesday, March 31, 2009

5 Non-Expert Discovery Cutoff: Friday, February 20, 2009

6 Dispositive Motions to Be Heard By: Wednesday, April 8, 2009

7 All other dates, including the trial date, will remain the same.

8 The parties make this request based on the following circumstances:

9 1. Deputy City Attorney Robert A. Bonta will be taking an approximately one-month
10 parental leave from approximately December 18, 2008 to January 20, 2009.

11 2. Additional discovery is still required to prepare this case for trial. For example, both
12 parties need to conduct depositions, including plaintiff's taking of the deposition of defendant Serna
13 and six other police officers and Sheriff's Deputies. In addition, the parties need to resolve the issue
14 of discovery of Officer Serna's personnel file records, which they are close to doing.

15 3. The parties request continuations of the specified pretrial deadlines as set forth above.

16 4. The Court in its September 28, 2007 Case Management Order ordered the parties to
17 mediation within 120 days. Pursuant to stipulation of the parties, with the concurrence of Court-
18 appointed mediator Christopher Johns, the parties requested time for discovery that would be
19 necessary in order for mediation to be beneficial. On March 14, 2008, the Court extended the
20 deadline for mediation to May 27, 2008. Pursuant to stipulation of the parties, and based, *inter alia*,
21 on the fact that new defense counsel had just substituted in and needed to get up to speed on the case
22 as well as the fact that additional discovery still needed to be conducted, on August 28, 2008, the
23 Court extended the pretrial deadlines and continued the trial date. Other than the aforementioned,
24 there have been no other modifications to the Case Management order. No other dates will be
25 affected by the requested changes.

**SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE
MEDIATION DEADLINE, NON-EXPERT DISCOVERY CUTOFF, AND DISPOSITIVE
MOTIONS HEARING DEADLINE**

STIPULATED AND AGREED:

Dated: December 2, 2008

DENNIS J. HERRERA
City Attorney
JOANNE HOEPER
Chief Trial Deputy
ROBERT BONTA
SEAN F. CONNOLLY
Deputy City Attorneys

By: _____/s/_____
ROBERT BONTA
Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG AND JESSE SERNA

Dated: December 2, 2008

LAW OFFICE OF JOHN L. BURRIS
JOHN L. BURRIS
BENJAMIN NISENBAUM

By: _____/s/_____
BENJAMIN NISENBAUM
Attorneys for Plaintiff
MARCO MAESTRINI

ORDER

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the pre-trial deadlines be continued as follows:

Deadline for Court-Ordered Mediation: Wednesday, March 31, 2009

Non-Expert Discovery Cutoff: Friday, February 20, 2009

Dispositive Motions to Be Heard By: Wednesday, ~~April 8, 2009~~ March 25, 2009

DATED: December 4, 2009

